

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE	:	
TO PRACTICE AND SURGERY OF:	:	ORDER
	:	
EDWARD A. HUNOLD, M.D.	:	

The Wisconsin Medical Examining Board, having met on March 25, 1993, and having received and considered a Stipulation, a copy of which is attached hereto and incorporated herein:


And the Wisconsin Medical Examining Board, having determined that it has jurisdiction to act in this matter pursuant to Wis. Stats. Secs. 448.02(3) and 448.02(5);

NOW, THEREFORE, IT IS ORDERED THAT:

1. The attached Stipulation is approved and adopted by the Wisconsin Medical Examining Board.
2. Edward A. Hunold, M.D., shall surrender his license to practice medicine and surgery in the State of Wisconsin effective on the date of this Order.
3. Edward A. Hunold, M.D., shall not practice or attempt to practice medicine and surgery in the State of Wisconsin on or after the date of this Order.
4. Edward A. Hunold, M.D., shall not make reapplication for licensure at any time in the future.
5. The pending investigation, investigative file #92 MED 222, shall be, and hereby is, closed without further investigation and no formal action will be commenced as a result of this investigation.

Dated at Madison, Wisconsin this 28 day of May, 1993.

BY THE BOARD



Clark O. Olsen, M.D., Secretary
Wisconsin Medical Examining Board

GCL:djm
DOEATTY-2361

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO	:	
PRACTICE MEDICINE AND SURGERY OF:	:	
	:	STIPULATION
EDWARD A. HUNOLD, M.D.	:	
	:	

It is hereby stipulated between Edward A. Hunold, M.D., personally, and by his attorney, Bruce B. Deadman; and Gilbert C. Lubcke, Attorney for the Department of Regulation & Licensing, Division of Enforcement as follows:

1. Edward A. Hunold, M.D., P. O. Box 29, Menomonie, Michigan 49858, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, License #16477.

2. Dr. Hunold specializes in the practice of radiology.

3. Dr. Hunold is presently 54 years of age and has been retired from the practice of medicine and surgery since 05/01/92.

4. An investigation of Dr. Hunold is pending before the Wisconsin Medical Examining Board, investigative file #92 MED 222.

5. Dr. Hunold hereby surrenders his license to practice medicine in the State of Wisconsin effective on the date of the Order of the Wisconsin Medical Examining Board accepting this Stipulation, and further agrees that he will not make reapplication for licensure at any time in the future.

6. Dr. Hunold will not practice or attempt to practice medicine and surgery in the State of Wisconsin after the date of the Order accepting this Stipulation.

7. The Wisconsin Medical Examining Board, upon acceptance of the terms of this Stipulation, will close the pending investigation identified in paragraph #4 of this Stipulation without further investigation and no formal action will be commenced as a result of this investigation.

8. The parties to this proceeding waive all costs.

9. The Wisconsin Medical Examining Board may enter an Order not inconsistent with the terms of this Stipulation.

10. The parties to this Stipulation and the Board Advisor, Rodolfo Molina, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation.

11. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further investigation.

Dated: 2/12/93

Edward A. Hunold
Edward A. Hunold, M.D.

Dated: 2/15/93

B. B. Deadman
Bruce B. Deadman
Attorney for Edward A. Hunold, M.D.

Dated: 1/25/93

Gilbert C. Lubcke
Gilbert C. Lubcke, Attorney
Department of Regulation & Licensing,
Division of Enforcement

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is April 30, 1993.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Petitions and proceedings for review. (1) Except as specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions